IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7312 OF 2003

Subhash Ramchandra Shinde..... Petitioner.

Versus

Trimbak Appa Lingayat & Ors.. .... Respondents.

Mr. P. N. Joshi for the Petitioner.

Mr. Dilip Bodake for Respondent No.1.

Mr.M. H.Solkar, AGP for Respondent Nos.11 to 13.

CORAM : S. A. BOBDE, J.

DATED : JANUARY 14, 2005.

P.C.:

The Petitioner purchased certain agricultural lands. He then applied for mutation in the revenue record. The authorities granted the mutation. The petitioner, however, approached the appellate authority with a plea that the lower authority had granted mutation in respect of a lesser area than the area purchased by him. The higher authority, therefore, remanded the matter to the lower authority for correction.

2. Against the order of remand, the respondent No.1

preferred an appeal which has been decided in favour of respondent No.1.

3. Thus the dispute between the parties seems to be about the area which is actually purchased by the petitioner.

4. The last operative order in the matter is the order dated 28th March, 1995 by which the Additional Commissioner has held that the dispute of this nature cannot be properly decided by the Revenue Authority but the parties must approach the proper forum. There is no infirmity legal or otherwise in this order in view of the settled position of law that a mutation entry does not confer or divest or affect the title in land in any manner but is meant merely for fiscal purposes. In this view of the matter, I am not inclined to interfere with the impugned order. Parties are at liberty to assert their right in an appropriate forum as may be advised.

5. Writ Petition is, accordingly, dismissed.

Sd/-

S. A. BOBDE, J.